

Appl. No.: 09/934,300  
Amdt. dated 11/17/2005  
Supplemental Reply to Office action of July 15, 2005

### **REMARKS/ARGUMENTS**

#### **Interview Summary**

An in-person interview in the above-referenced matter occurred on November 16, 2005 between Examiner Devi and Applicants' representatives, W. Murray Spruill and Michelle L. Cunningham. A summary of the interview is submitted herewith.

#### **Status of the Claims**

Claims 12-19 were rejected. Claims 1-11 were previously cancelled without prejudice or disclaimer. Applicants reserve the right to pursue these claims in a continuation or divisional application. To further prosecution, claims 12 and 14 have been amended, as described herein below. Claims 12-19 are pending in the present application.

#### **Amendments to the Claims**

During the interview of November 16, the Examiner suggested amending claim 12 to more clearly indicate that the activated PEG (aPEG) solution is filtered and that the resulting filtered aPEG solution is then combined with the hemoglobin solution. Claim 12 has been amended and now specifically recites "combining said resulting filtered aPEG solution of step (b) with a hemoglobin solution." The Examiner indicated that such an amendment would overcome the anticipation and obviousness rejections of the claims based on the Greenwald *et al.* reference. The Examiner further suggested amending claim 12 to recite "A method of preparing a solution of a chemically modified hemoglobin that is substantially free of contaminants" to more clearly define the invention. The Examiner's suggested amendments to claim 12 have been incorporated to further prosecution.

In addition, the Examiner suggested amending dependent claim 14 to expressly state that the solvent is ethanol and to remove reference to methanol and acetonitrile as potential solvents. Although no formal rejection has been made that would require such an amendment, Applicants have amended claim 14 in accordance with the Examiner's suggestion in order to expedite prosecution.

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The Examiner indicated that amendment of claims 12 and 14 in accordance with her suggestions would place the claims in condition for allowance.

No new matter has been added by way of the claim amendments. Reexamination and reconsideration of the claims, as amended, is requested.

The Rejection of Claim 12 Under 35 U.S.C. § 102 Should Be Withdrawn

Claim 12 was rejected under 35 U.S.C. § 102(b) as being anticipated by Greenwald *et al.* In light of the November 16 interview and the claim amendments described above, Applicants respectfully submit that claim 12 is in condition for allowance and request that the rejection of claim 12 be withdrawn.

The Rejection of the Claims Under 35 U.S.C. § 103 Should Be Withdrawn

Claims 13-19 were rejected under 35 U.S.C. § 103 as being unpatentable over Greenwald *et al.* as modified by Talarico *et al.*, Woghiron *et al.*, Blume *et al.*, Maraganore *et al.*, Shorr, and Nho *et al.*. In light of the November 16 interview and the claim amendments described above, Applicants respectfully submit that the claims are in condition for allowance and request that the rejection of claims 13-19 be withdrawn.

CONCLUSION

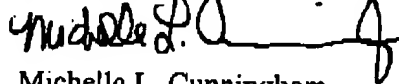
The Examiner is respectfully requested to withdraw the rejections and allow claims 12-19. In view of the November 16 interview and the above claim amendments, it is submitted that this application is now ready for allowance. Early notice to this effect is solicited.

If in the opinion of the Examiner a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned.

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It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

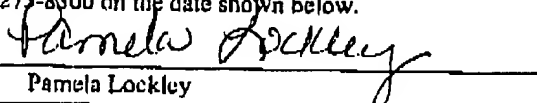


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I hereby certify that this paper is being facsimile transmitted to the US Patent and Trademark Office at Fax No. (571) 273-8300 on the date shown below.

  
Pamela Lockley

11/17/05  
Date

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